

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THIS MATTER comes before the court on November 4, 2008, to consider plaintiff's default motion filed September 3, 2008 and noted for hearing without argument October 6, 2008. (Ct. Rec. 9). On September 22, 2008, defendant Clinton Williams filed an answer. (Ct. Rec. 16.) On October 17, 2008, the parties filed a consent to proceed before a magistrate judge. (Ct. Rec. 20.) Defendant Williams AG Commodities Brokerage, Inc. (Brokerage) has not filed an answer. Plaintiff is represented by Carter L. Fjeld, defendant Clinton Williams appears pro se, and defendant Brokerage has not appeared.

After reviewing the record, the court finds:

1. Defendant Brokerage has failed to answer plaintiff's amended complaint (Ct. Rec. 8) and is in default.

2. Plaintiff is entitled to an order of default and judgment

1 as to defendant Brokerage only.

2 Based on the foregoing,

3 **IT IS ORDERED** that

4 1. Plaintiff's motion for an order of default and judgment
5 (**Ct. Rec. 9**) as to defendant Williams AG Commodities Brokerage,
6 Inc., only is **granted**.

7 2. Plaintiff is entitled to judgment against defendant
8 Williams AG Commodities Brokerage, Inc., in the principal sum of
9 \$196,627.25, together with interest thereon from March 1, 2006, to
10 the date of judgment at the rate of 12% per annum, which sum
11 totals \$53,590.35 as of August 22, 2008.

12 3. Plaintiff is awarded costs in the amount of \$992.82 and
13 reasonable attorney's fees of \$3,561.75.

14 4. Plaintiff's total default judgment is \$254,772.17, plus
15 interest at 12% APR from the date of judgment to payment.

16 **DATED** this 4rd day of November, 2008.

17 *s/James P. Hutton*
18 _____
19 JAMES P. HUTTON
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28